

Exhibit B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

WAYNE BERRY,

Plaintiff,

v.

FLEMING COMPANIES, INC., aka
FLEMING FOODS, INC., aka
FLEMING, ET AL..

Defendants.

) CIV. NO. 01-00446 SPK/LEK
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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 04 2005

at 3 o'clock and 20 min. P.M.
WALTER A.Y.H. CHINN, CLERK

By

ORDER DENYING PLAINTIFF'S MOTION FOR LEAVE TO FILE
MOTION FOR INJUNCTION PENDING APPEAL

Plaintiff Wayne Berry's Ex Parte Motion for Leave to File Motion for Injunction Pending Appeal Pursuant to FRAP 8, which was lodged on March 1, 2005, shall be deemed filed on March 1, 2005. The Court has reviewed the motion, the opposition, and the reply memoranda, and hereby DENIES the motion.

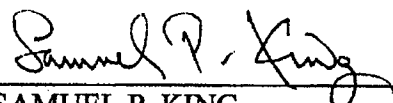
By its order of December 27, 2004, the Court found no basis for granting a permanent injunction at the district court level. The Court thus finds no basis for granting an injunction pending an appeal to the Ninth Circuit seeking to overturn the Court's order denying an injunction.

MAR 08 2005

The motion is DENIED without prejudice to Plaintiff seeking relief in the Ninth Circuit under Fed. R. App. P. 8(a)(2).

IT IS SO ORDERED.

Dated: Honolulu, Hawaii, 4 March 2005.



SAMUEL P. KING
UNITED STATES DISTRICT JUDGE

Berry v. Fleming, Civ. No. 01-00446SPK/LEK, ORDER DENYING PLAINTIFF'S MOTION
FOR LEAVE TO FILE MOTION FOR INJUNCTION PENDING APPEAL